

5/053/040



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Dixie Resource Area
225 North Bluff Street
St. George, Utah 84770
(801) 673-4654



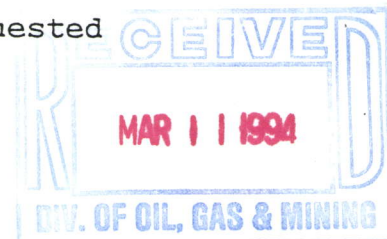
3809
UTU-72242
(UT-045)

242
2-25-94

February 25, 1994

Certified Mail #P 347 587 209 - Return Receipt Requested

Mr. Horace Cornelius
P.O. Box 7900-85
Virgin, UT 84779



Dear Mr. Cornelius:

This will acknowledge receipt and acceptance of your February 14, 1994 Notice for work in T. 41 S., R. 12 W., sec. 29 on the Limestone Mesa unpatented claims. The Dixie Resource case file for this operation is UTU-72242. The Conditions of Acceptance for this operation are attached.

A copy of the information provided has been forwarded to the Utah Division of Oil, Gas, and Mining (UDOGM). Therefore, you will not be required to submit an application to UDOGM; however, reclamation of work done under this Notice is required within the specifications of the Utah Mined Land Reclamation Act.

If you wish to claim exemption from the mining claim rental fee, it is your responsibility to conduct operations that qualify under 43 Code of Federal Regulations (CFR) 3833.1-6. Failure to conduct qualifying operations or pay the rental fee may lead to the cancellation of the claims.

Acceptance of this Notice will not now, or in the future, serve as a determination of the validity of any mining claim to which it may relate. It appears to the Dixie Resource Area the Moenkopi flagstone you are mining is a common variety and not locatable under the mining law. We consider the stone to be common variety because: .

"Common varieties" includes deposits which may have value for use in the ornamental arts, but do not possess a distinct, special economic value for such a use (43 CFR 3711). The Moenkopi flagstone is used in the ornamental arts primarily for facing stone due to its coloration.

Coloration alone does not make stone an uncommon variety; and that although each deposit of stone may have unique

properties (such as coloration), each deposit is not necessarily locatable (U.S. v. Dunbar Stone Co., 56 IBLA 61, 64-67).

The Moenkopi Formation is present in large, massive deposits throughout the Dixie Resource Area, and such deposits have been determined to be common variety (U.S. v. Coleman, 390 U.S. 600, 603-604 (1968)).

The value of the stone is derived from an extrinsic factor (its use as facing stone), not an intrinsic value. Such extrinsic values have been determined not to make a stone an uncommon variety (McClarty v. U.S. Secretary of Interior, 408 F2d, 907, 908 (9th Cir., 1969)).

The Dixie Resource Area has requested a mineral examination for this operation. It would therefore be in your best interest to maintain records showing how much material you extract from the site, and the sales records of that stone.

If you have any questions, please contact Larry Gore of this office.

Sincerely,

Debbie J. Pietrzak
Area Manager

Enclosure -

Conditions of Acceptance - 2 pages

completed on the reverse side?

SENDER <ul style="list-style-type: none">• Complete items 1 and/or 2 for additional services.• Complete items 3, and 4a & b.• Print your name and address on the reverse of this form so that we can return this card to you.• Attach this form to the front of the mailpiece, or on the back if space does not permit.• Write "Return Receipt Requested" on the mailpiece below the article number.• The Return Receipt will show to whom the article was delivered and the date delivered.		<p>I also wish to receive the following services (for an extra fee):</p> <p>1. <input type="checkbox"/> Addressee's Address</p> <p>2. <input type="checkbox"/> Restricted Delivery</p> <p>Consult postmaster for fee.</p>	
3. Article Addressed to: Horace Cornelius P.O. Box 7900-85 Virgin, UT 84779		4a. Article Number P-347-587-209	
5. Signature (Addressee) <i>Horace Cornelius</i>		4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
6. Signature (Agent)		7. Date of Delivery 3-2-94	
		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service

PS Form 3811, December 1991 ★ U.S.G.P.O. : 1992-307-530 DOMESTIC RETURN RECEIPT

CONDITIONS OF ACCEPTANCE

Except for work to the extent necessary to preserve evidence of mineralization, and roads needed for the continuation of mineral-related exploratory operations, all work conducted under a mining Notice (43 CFR 3809.1-3) must be reclaimed prior to beginning any work under a new Notice.

All operations conducted under this Notice will be conducted in a manner that will prevent unnecessary or undue degradation and provide protection of nonmineral resources of the Federal lands.

Road Specifications: The disturbance for the road will not exceed 20 feet in width and cut banks exceeding 3 feet are not authorized. Approval from the authorized officer must be obtained before exceeding these specifications. Water bar drainage dips may be required if erosion occurs on the road.

The disturbance caused by the road will be included in the calculation of your disturbed area.

Archaeological: No sites were identified in the specified work area. However, if any cultural and/or paleontological resource (historic or prehistoric site or object) discovered on public land, they shall be immediately reported to the Authorized Officer. All operations in the immediate area of such a discovery shall be suspended until written authorization to proceed is issued by the Authorized Officer.

Threatened or Endangered Species: If any species listed as threatened or endangered is encountered, the operator shall immediately suspend operations and report the incident to the Authorized Officer.

Refuse: The site shall be maintained in a sanitary condition at all times, and waste materials shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

Annual Update: If operations contained in this notice extend for more than one year, the Authorized Officer must be notified on the anniversary of your notice. This notification is required regardless of the time period stated in the Notice.

Reclamation: Reclamation will consist of:

Pulling any berms or fill areas back into the road bed and reshaping the road to natural appearing contours.

Reshaping the disturbed areas to a natural appearing contour.

Due to the nature of the soil and existing vegetation, no seeding will be required.

Notification of Reclamation: The Authorized Officer shall be notified when the required reclamation is completed. An inspection will then be made to determine the acceptability of the reclamation.